

ASSEMBLY BILL

No. 1227

Introduced by Assembly Member Feuer

February 27, 2009

An act to amend Section 4850 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1227, as introduced, Feuer. Workers' compensation: public employees: leaves of absence.

Existing workers' compensation law requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment.

Existing law generally provides that whenever certain public employees who are members of the Public Employees' Retirement System or the Los Angeles City Employees' Retirement System or subject to the County Employees Retirement Law of 1937 are disabled, whether temporarily or permanently, by injury or illness arising out of, and in the course of, their duties, they shall become entitled, regardless of their period of service with the public employer, to a leave of absence while so disabled without loss of salary in lieu of temporary disability payments, for a period not exceeding one year.

This bill would, for purposes of these provisions, require that these employees be employed on a regular, full-time basis, but would eliminate the requirement that these employees be members of the Public Employees' Retirement System or the Los Angeles City Employees' Retirement System or subject to the County Employees Retirement Law of 1937. The bill would also include local park rangers,

community college police, and police of a school district among the public employees entitled to the above-described leave of absence. The bill would provide that the provisions pertaining to a leave of absence shall not apply to certain public safety personnel who are employees of the City and County of San Francisco.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4850 of the Labor Code is amended to
2 read:

3 4850. (a) Whenever any person listed in subdivision (b), who
4 ~~is a member of the Public Employees' Retirement System or the~~
5 ~~Los Angeles City Employees' Retirement System or subject to the~~
6 ~~County Employees Retirement Law of 1937 (Chapter 3~~
7 ~~(commencing with Section 31450) of Part 3 of Division 4 of Title~~
8 ~~3 of the Government Code), employed on a regular, full-time basis,~~
9 ~~and~~ is disabled, whether temporarily or permanently, by injury or
10 illness arising out of and in the course of his or her duties, he or
11 she shall become entitled, regardless of his or her period of service
12 with the city, county, or district, to a leave of absence while so
13 disabled without loss of salary in lieu of temporary disability
14 payments or maintenance allowance payments under Section 139.5,
15 if any, ~~which~~ *that* would be payable under this chapter, for the
16 period of the disability, but not exceeding one year, or until that
17 earlier date as he or she is retired on permanent disability pension,
18 and is actually receiving disability pension payments, or advanced
19 disability pension payments pursuant to Section 4850.3.

20 (b) The persons eligible under subdivision (a) include all of the
21 following:

- 22 (1) City police officers.
- 23 (2) City, county, or district firefighters.
- 24 (3) Sheriffs.
- 25 (4) Officers or employees of any sheriff's offices.
- 26 (5) Inspectors, investigators, detectives, or personnel with
27 comparable titles in any district attorney's office.
- 28 (6) County probation officers, group counselors, or juvenile
29 services officers.
- 30 (7) Officers or employees of a probation office.

1 (8) Peace officers under Section 830.31 of the Penal Code
2 employed on a regular, full-time basis by a county of the first class.

3 (9) Lifeguards employed year round on a regular, full-time basis
4 by a county of the first class.

5 (10) Airport law enforcement officers under subdivision (d) of
6 Section 830.33 of the Penal Code.

7 (11) Harbor or port police officers, wardens, or special officers
8 of a harbor or port district or city or county harbor department
9 under subdivision (a) of Section 830.1 or subdivision (b) of Section
10 830.33 of the Penal Code.

11 (12) Police officers of the Los Angeles Unified School District.

12 (13) *Local park rangers, as defined in subdivision (b) of Section*
13 *830.31 of the Penal Code.*

14 (14) *California Community College police, as defined in*
15 *subdivision (a) of Section 830.32 of the Penal Code.*

16 (15) *Police officers of a school district, as defined in subdivision*
17 *(b) of Section 830.32 of the Penal Code.*

18 (c) This section shall apply only to persons listed in subdivision
19 (b) who meet the requirements of subdivision (a), and ~~does~~ *shall*
20 not include any of the following:

21 (1) Employees of a police department whose principal duties
22 are those of a telephone operator, clerk, stenographer, machinist,
23 mechanic, or otherwise, and whose functions do not clearly fall
24 within the scope of active law enforcement service.

25 (2) Employees of a county sheriff's office whose principal duties
26 are those of a telephone operator, clerk, stenographer, machinist,
27 mechanic, or otherwise, and whose functions do not clearly come
28 within the scope of active law enforcement service.

29 (3) Employees of a county probation office whose principal
30 duties are those of a telephone operator, clerk, stenographer,
31 machinist, mechanic, or otherwise, and whose functions do not
32 clearly come within the scope of active law enforcement service.

33 (4) Employees of a city fire department, county fire department,
34 or fire district whose principal duties are those of a telephone
35 operator, clerk, stenographer, machinist, mechanic, or otherwise,
36 and whose functions do not clearly fall within the scope of active
37 firefighting and prevention service.

38 (d) If the employer is insured, the payments ~~which~~ *that*, except
39 for this section, the insurer would be obligated to make as disability
40 indemnity to the injured, the insurer may pay to the insured.

1 (e) No leave of absence taken pursuant to this section by a peace
2 officer, as defined by Chapter 4.5 (commencing with Section 830)
3 of Title 3 of Part 2 of the Penal Code, or by a city, county, or
4 district firefighter, shall be deemed to constitute family care and
5 medical leave, as defined in Section 12945.2 of the Government
6 Code, or to reduce the time authorized for family care and medical
7 leave by Section 12945.2 of the Government Code.
8 (f) *This section shall not apply to any persons described in*
9 *subdivision (b) who are employees of the City and County of San*
10 *Francisco.*